

AMENDED IN SENATE JANUARY 4, 2006

SENATE BILL

No. 988

Introduced by Senator Migden

February 22, 2005

~~An act to amend Section 163 of the Streets and Highways Code, relating to transportation.~~ *An act to add Section 97 to, and to add and repeal Section 97.3 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.*

LEGISLATIVE COUNSEL'S DIGEST

SB 988, as amended, Migden. ~~Highway funding: policy.~~ *Safety Enhancement-Double Fine Zones: Golden Gate Bridge.*

Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Existing law does not provide for the designation of a specified segment of a highway as a Safety Enhancement-Double Fine Zone.

This bill would, until January 1, 2011, designate the Golden Gate Bridge as a Safety Enhancement-Double Fine Zone, upon approval of a resolution in that regard by the Golden Gate Bridge, Highway and Transportation District. The bill would also establish standards for a designation of a highway or road segment as Safety Enhancement-Double Fine Zone and require the Department of Transportation to prepare an evaluation of the effectiveness of each zone. The bill would impose an increased penalty for certain traffic violations committed in a Safety Enhancement-Double Fine Zone.

~~Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Under existing law, the Legislature has established a policy for the use of all transportation funds that are available to the state and requires the department to prepare fund estimates for specified expenditures.~~

~~This bill would make nonsubstantive changes to the transportation funding policy provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97 is added to the Streets and Highways
- 2 Code, to read:
- 3 97. (a) In order to be designated by statute as a Safety
- 4 Enhancement-Double Fine Zone, a highway or road segment
- 5 shall have experienced a significant number of traffic accidents,
- 6 injuries, and fatalities within the prior three-year period, and
- 7 other traffic safety measures that have been undertaken shall
- 8 have not appreciably reduced the level of those incidents.
- 9 (b) The concurrence in the designation of the Department of
- 10 the California Highway Patrol or local agency having traffic
- 11 enforcement jurisdiction, as the case may be, shall be required
- 12 prior to designation of the zone pursuant to statute, along with a
- 13 resolution supporting the designation from the city, or county
- 14 with respect to an unincorporated area, in which the segment is
- 15 located.
- 16 (c) Each local governing body where a Safety
- 17 Enhancement-Double Fine Zone is designated by statute in its
- 18 jurisdiction shall, prior to the establishment of the zone, do the
- 19 following:
- 20 (1) Undertake a public awareness campaign to inform the
- 21 public of the Safety Enhancement-Double Fine Zone designation,
- 22 where it is located, its purpose, and its consequences.
- 23 (2) Where appropriate, increased traffic safety enhancements,
- 24 enforcement, and other roadway safety measures shall be
- 25 implemented in coordination with the establishment of the Safety
- 26 Enhancement-Double Fine Zone.
- 27 (d) A Safety Enhancement-Double Fine Zone is subject to the
- 28 rules and regulations adopted by the department prescribing
- 29 uniform standards for warning signs to notify motorists that,
- 30 pursuant to Section 42010 of the Vehicle Code, increased
- 31 penalties apply for traffic violations that are committed within a
- 32 Safety Enhancement-Double Fine Zone.

(e) The department or the local authority having jurisdiction over these highway and road segments shall place and maintain the warning signs identifying these segments by stating that a “Special Safety Zone Region Begins Here” and a “Special Safety Zone Ends Here.” The department shall adopt rules and regulations for the administration of a Safety Enhancement-Double Fine Zone under this section.

(f) Safety Enhancement-Double Fine Zones do not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.

(g) The highway or road segments specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.

(h) The term for a Safety Enhancement-Double Fine Zone shall be limited to four years.

(i) The Department of Transportation shall conduct an evaluation of the effectiveness of all Safety Enhancement-Double Fine Zones that will terminate the same calendar year and submit its findings in one report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing one year prior to the termination of the Safety Enhancement-Double Fine Zones. The report shall include a recommendation on whether the zones should be reauthorized by the Legislature.

SEC. 2. Section 97.3 is added to the Streets and Highways Code, to read:

97.3. (a) The 1.73-mile segment that is the Golden Gate Bridge shall be a Safety Enhancement-Double Fine Zone upon approval of a resolution in that regard by the Golden Gate Bridge, Highway and Transportation District. The district, in consultation with the department, shall assume all

1 responsibilities that would otherwise accrue to the department
2 for the administration of the Safety Enhancement-Double Fine
3 Zone designated pursuant to this section.

4 (b) This section shall remain in effect only until January 1,
5 2011, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, 2011, deletes or extends
7 that date.

8 SEC. 3. Section 42010 is added to the Vehicle Code, to read:

9 42010. (a) For any offense specified in subdivision (b) that is
10 committed by the driver of a vehicle within an area that has been
11 designated as a Safety Enhancement-Double Fine Zone pursuant
12 to Section 97 and following of the Streets and Highways Code,
13 the fine, in a misdemeanor case, shall be double the amount
14 otherwise prescribed, and, in an infraction case, the fine shall be
15 one category higher than the penalty otherwise prescribed by the
16 uniform traffic penalty schedule established pursuant to Section
17 40310.

18 (b) A violation of any of the following provisions is an offense
19 that is subject to subdivision (a):

20 (1) Chapter 3 (commencing with Section 21650) of Division
21 11, relating to driving, overtaking, and passing.

22 (2) Chapter 7 (commencing with Section 22348) of Division
23 11, relating to speed limits.

24 (3) Section 23103, relating to reckless driving.

25 (4) Section 23104, relating to reckless driving that results in
26 bodily injury to another.

27 (5) Section 23109, relating to speed contests.

28 (6) Section 23152, relating to driving under the influence of
29 alcohol or a controlled substance, or a violation of Section
30 23103, as specified in Section 23103.5, relating to
31 alcohol-related reckless driving.

32 (7) Section 23153, relating to driving under the influence of
33 alcohol or a controlled substance, which results in bodily injury
34 to another.

35 (8) Section 23220, relating to drinking while driving.

36 (9) Section 23221, relating to drinking in a motor vehicle
37 while on the highway.

38 (10) Section 23222, relating to driving while possessing an
39 open alcoholic beverage container.

1 (11) Section 23223, relating to being in a vehicle on the
2 highway while possessing an open alcoholic beverage container.

3 (12) Section 23224, relating to being a driver or passenger
4 under the age of 21 years possessing an open alcoholic beverage
5 container.

6 (13) Section 23225, relating to being the owner or driver of a
7 vehicle in which there is an open alcoholic beverage container.

8 (14) Section 23226, relating to being a passenger in a vehicle
9 in which there is an open alcoholic beverage container.

10 (c) This section applies only when traffic controls or warning
11 signs have been placed pursuant to Section 97 of the Streets and
12 Highways Code.

13 (d) (1) Notwithstanding any other provision of law, the
14 enhanced fine imposed pursuant to this section shall be based
15 only on the base fine imposed for the underlying offense and
16 shall not include any other enhancements imposed pursuant to
17 law.

18 (2) Notwithstanding any other provision of law, any additional
19 penalty, forfeiture, or assessment imposed by any other statute
20 shall be based on the amount of the base fine before
21 enhancement or doubling and shall not be based on the amount
22 of the enhanced fine imposed pursuant to this section.

23 SECTION 1. ~~Section 163 of the Streets and Highways Code~~
24 ~~is amended to read:~~

25 ~~163. The Legislature, through the enactment of this section,~~
26 ~~intends to establish a policy for the use of all transportation funds~~
27 ~~that are available to the state, including the State Highway~~
28 ~~Account, the Public Transportation Account, and federal funds.~~
29 ~~For the purposes of this section, "federal funds" means any~~
30 ~~obligational authority to be provided under annual federal~~
31 ~~transportation appropriation acts. The department and the~~
32 ~~commission shall prepare fund estimates pursuant to Sections~~
33 ~~14524 and 14525 of the Government Code based on the~~
34 ~~following:~~

35 (a) ~~Annual expenditures for the administration of the~~
36 ~~department shall be the same as the most recent Budget Act,~~
37 ~~adjusted for inflation.~~

38 (b) ~~Annual expenditures for the maintenance and operation of~~
39 ~~the state highway system shall be the same as the most recent~~
40 ~~Budget Act, adjusted for inflation and inventory, or, if a~~

1 ~~maintenance plan has been enacted pursuant to Section 164.6;~~
2 ~~maintenance expenditures shall be based on planned expenditures~~
3 ~~in that plan.~~

4 ~~(e) Annual expenditure for the rehabilitation of the state~~
5 ~~highway system shall be the same as the most recent Budget Act,~~
6 ~~or, if a long-range rehabilitation plan has been enacted pursuant~~
7 ~~to Section 164.6, shall be based on planned expenditures in that~~
8 ~~long-range plan.~~

9 ~~(d) Annual expenditures for local assistance shall be the~~
10 ~~amount required to fund local assistance programs required by~~
11 ~~state or federal law or regulations, including, but not limited to,~~
12 ~~railroad grade crossing maintenance, bicycle transportation~~
13 ~~account, congestion mitigation and air quality, regional surface~~
14 ~~transportation programs, local highway bridge replacement and~~
15 ~~rehabilitation, local seismic retrofit, local hazard elimination and~~
16 ~~safety, and local emergency relief.~~

17 ~~(e) After deducting expenditures for administration, operation,~~
18 ~~maintenance, local assistance, safety, and rehabilitation pursuant~~
19 ~~to subdivisions (a), (b), (c), and (d), and for expenditures~~
20 ~~pursuant to Section 164.56, the remaining funds shall be~~
21 ~~available for capital improvement projects to be programmed in~~
22 ~~the state transportation improvement program.~~